

IFW



Attorney Docket No.: P-5458-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): MORDAUNT, David Haydn et al.

Serial No: 10/531,691 Examiner:

Filed: April 18, 2005 Group Art Unit:

Title: SYSTEM, METHOD, AND APPARATUS TO PROVIDE LASER BEAMS OF TWO OR MORE WAVELENGTHS

**RENEWED REQUEST UNDER 37 CFR 1.497(d) and RENEWED PETITION UNDER
37 CFR 1.47(a)**

Commissioner for Patents
Office of PCT Legal Administration
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Petitioner hereby responds to the Decision of the Office of PCT Legal Administration, dated February 23, 2007, a copy of which is enclosed.

Pursuant to 37 C.F.R. § 1.47(d), a renewed request is hereby made to add David A. Dewey as a joint inventor for this application.

Furthermore, pursuant to 37 C.F.R. § 1.47(a) and the guidelines set forth in M.P.E.P. § 409.03, a renewed request is hereby made to include David Dewey as a joint inventor of the above-identified application even though David Mordaunt, a named inventor has not responded, despite multiple requests to re-execute a declaration complying with 37 C.F.R. § 1.63. The other named joint inventors of the subject application are Steven Scott Christensen and Allison Albrecht Ferro. A declaration complying with 37 C.F.R. § 1.63 signed by both of these joint inventors besides Mr. Mordaunt is included herewith.

Below is a description of the pertinent facts explaining the reasons to add Mr. Dewey as an inventor and the non-compliance of Mr. Mordaunt to join in the subject application, as well as his last known address pursuant to CFR 1.47(a):

BACKGROUND

1. On October 16, 2003, applicants filed international application no. PCT/US2003/029132 in the name of Lumenis Inc.

2. On April 18, 2005, applicants filed a transmittal letter for entry into the national stage in the United States of America.
3. On September 22, 2005, the United States Designated/Elected Office (hereinafter "DO/EO/US") mailed a "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)" for failure to submit a signed oath or declaration in compliance with 37 CFR 1.497 (a) and (b).
4. On February 22, 2006, applicants filed an executed declaration and listed David A. Dewey as a co-inventor, who was not listed in the international application.
5. On May 15, 2006, the DO/EO/US mailed a "Notification of Defective Response" indicating that Mr. Dewey had been an added inventor and whose name was not published in the international application.
6. On June 6, 2006, applicants filed a Response to Notification of Missing Requirements, which included a statement under 37 CFR 1.497(d) adding co-joint inventor David Dewey in a composite executed declaration.
7. On October 2, 2006, a decision was entered from the Office of PCI Legal Administration, dismissing applicant's request because the declaration filed was improper because it was submitted as an incomplete declaration having composite signature pages.
8. On December 4, 2006, applicant submitted a renewed request to accept the executed declaration without the signature of joint inventor David Mordaunt
9. On February 23, a decision was entered from the Office of PCI Legal Administration, dismissing applicant's request because the declaration filed was improper, insufficient facts were provided and because the last known address of the inventor was not provided.

Applicants hereby provide all of the previously omitted and requested information pursuant to the decision of February 23, 2007 and in compliance with the requirements set forth under 37 CFR 1.47.

REQUEST UNDER 37 CFR 1.497(d) TO ADD DAVID DEWEY AS AN INVENTOR

STATEMENT OF FACTS

1. Between November and December 2005, the named inventors on the international application- David Mordaunt, Steven Scott Christensen, and Allison Albrecht Ferro-were contacted to sign the original declaration.

2. During this period, Ms. Ferro opined that David A. Dewey should be included as an inventor on this application.
3. In response, in February 2006, Mr. Dewey was contacted for determining whether he should be included as a co-inventor on the application.
4. Mr. Dewey asserted that he had contributed to the invention disclosed in the application and therefore was included as a co-inventor. (Attached as Exhibit A)
5. Mr. Dewey signed the declaration on February 22, 2006. (Attached as Exhibit B)
6. During this period Mr. Mordaunt had executed the original declaration.
7. Accordingly, after Mr. Dewey was included as an inventor, Mr. Mordaunt was attempted to be contacted to re-execute the declaration now containing Mr. Dewey as an inventor.
8. Mr. Mordaunt has been unable to be contacted.
9. On May 30, 2006 David Dewey signed a statement stating that his name was inadvertently omitted from the list of inventors, without deceptive intent on his part. (Attached as Exhibit C)
10. On May 23, 2006, the assignee Lumenis Inc. signed its written consent to add David Dewey as an inventor. (Attached as Exhibit D)
11. The undersigned hereby authorizes the fee of \$130.00 to be charged Deposit Account Number 50-3355, as well as any other additional fees due.

CONCLUSION

Therefore, Petitioner respectfully requests that the request to add David A. Dewey as an inventor be granted despite the absence of Mr. Mordaunt's signature.

**PETITION UNDER 37 CFR 1.47(a) TO ACCEPT THE SUBMITTED
DECLARATION WITHOUT THE SIGNATURE OF DAVID MORDAUNT**

STATEMENT OF FACTS

1. On November 29, 2005, David Mordaunt was provided with a copy of the application, declaration, and assignment for his review and signature. (Attached as Exhibit E)
2. On December 22, 2005, Mr. Mordaunt returned the declaration with his signature. (Attached as Exhibit F)
3. After Mr. Mordaunt returned the signed declaration, it was determined that Mr. Dewey should be added as a co-inventor on this application.
4. Inventors Mr. Christensen, Ms. Ferro, and Mr. Dewey submitted newly executed declarations, which named Mr. Dewey as the inventor.
5. Mr. Mordaunt was attempted to be contacted again on February 15, 2006 to sign the declaration naming Mr. Dewey as an inventor. (Attached as Exhibit G) Mr. Mordaunt did not respond.
6. Mr. Mordaunt was contacted again on October 12, 2006 requesting that he sign the declaration naming Mr. Dewey as an inventor. (Attached as Exhibit H). Mr. Mordaunt did not respond.
7. Mr. Mordaunt's last known address is 32116 Summit Road, Los Gatos, California 95033, USA. His last known e-mail address is mordaunbtbiz@aol.com. Both of these contact addresses have failed to illicit a response from Mr. Mordaunt.
8. **Fee**
The undersigned hereby authorizes the \$200.00 fee under 37 CFR 1.17(h) to be charged to Deposit Account 50-3355, as well as any other additional fee that may be due.
9. **Proof of Mr. Mordaunt's non-compliance to join application:**
 - a) In the February 23, 2007 decision ("Decision") dismissing the above request, it states that it was not sufficiently demonstrated that a copy of the application papers were sent to Mr. Mordaunt for his review and signature; the record does not establish that a *bona fide* attempt was made to deliver the complete application; and that Mr. Mordaunt refused to sign the required papers.
 - b) As stated above, Petitioner e-mailed the application papers to Mr. Mordaunt on November 29, 2005. (See Exhibit E). Mr. Mordaunt received the application papers and declaration, as evidenced by his returning the signed

declaration on December 22, 2006. Furthermore, the record also established petitioner's *bona fide* attempt to deliver to Mr. Mordaunt for his signature, the declaration naming Mr. Dewey as an inventor, on February 15, 2006 and October 12, 2006 (Exhibits G-H). Mr. Dewey's failure to respond to either request demonstrates his refusal to join in this application. His refusal to join the application is clearly evident given his prior prompt response and return of the signed declaration to the request of November 29, 2005.

10. Statement of Mr. Mordaunt's last known address:

The Decision states that Petitioner has not provided the last known address of the missing inventor. Petitioner states the last known address of Mr. Mordaunt above.

11. Declaration

The Decision states that the Declaration previously submitted in an improper composite declaration. Petitioner hereby submits a declaration signed by all named inventors except Mr. Mordaunt. (Attached as Exhibit I)

CONCLUSION

Therefore, Petitioner respectfully requests the acceptance of the application under 37 CFR 1.47 and that the declaration that is devoid of David Mordaunt's signature be accepted.

Respectfully submitted,


Robert D. Schaffer
Attorney/Agent for Applicant(s)
Registration No. 33,775

Dated: April 23, 2007

Pearl Cohen Zedek Latzer, LLP
1500 Broadway, 12th Floor
New York, New York 10036
Tel: (646) 878-0800
Fax: (646) 878-0801

23 FEB 2007



UNITED STATES PATENT and TRADEMARK OFFICE

PEARL COHEN ZEDEK, LLP
1500 BROADWAY 12TH FLOOR
NEW YORK, NY 10036

Received
28 FEB 2007
Pearl Cohen Zedek Latzer

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P O Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

In re Application of : DECISION ON RENEWED
MORDAUNT et al :
Int Application: PCT/US2003/029132 : REQUEST UNDER
Application No : 10/531,691 :
Int Filing Date: 16 October 2003 : 37 CFR 1.497(d) AND
Priority Date: 17 October 2002 :
Attorney's Docket No : P-5458-US : PETITION UNDER
For. SYSTEM, MEHOD WAVELENGTHS : 37 CFR 1.47(a)

This is in response to the "PETITION TO ADD INVENTOR UNDER 37 CFR 1.48(a)" filed on 04 December 2006, which is being treated as renewed request under 37 CFR 1.497(d) and as petition under 37 CFR 1.47(a)

BACKGROUND

In a decision from this Office mailed on 02 October 2006, the decision indicated that the request was dismissed because the request did not satisfy item (1) of 37 CFR 1.497(d) because the declaration filed was improper

On 04 December 2006, petitioner submitted a "Petition to Add Inventor Under 37 CFR 1.48(a), which is being treated as a Renewed Request Under 37 CFR 1.47(d) and a Petition Under 37 CFR 1.47(a) requesting the acceptance of the executed declaration without the signature of joint inventor David Mordaunt

DISCUSSION

REQUEST UNDER 37 CFR 1.47(a):

A submission under 37 CFR 1.497(d) must include:

- (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
- (2) the fee set forth in § 1.17(l); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 CFR §3.73(b) of this chapter)

A review of the application file reveals that applicants have satisfied items (2) - (3) under 37 CFR 1.497(d), but not item (1).

With respect to item (1), the executed declaration filed on 04 December 2006 is defective and, for the reason below, the application may not enter into national stage processing at this time. It still does not comply with 37 CFR 1.497(a)(3). A Declaration, under 37 CFR 1.497(a)(3), must identify each inventor. See MPEP § 602. In this instance, applicants submitted a composite declaration comprising of three sets of declarations, one which is complete because it has three (3) sheets, and the remaining sets are incomplete. Each set must be complete by having the correct number of pages and listing all the inventors. The other sets are incomplete because pages 1,2 are missing. Therefore the composite Declaration is still incomplete.

Copies of the same page is not part of a proper declaration since it is considered a composite declaration and each must be a complete declaration with the proper statement and the names of each inventor even though each set of declarations may not have all the signatures of the inventors. Therefore, a proper declaration must consist of individual complete sets of declaration that taken as a whole would have all the required signatures as required under 37 CFR 1.497(a)(3).

Accordingly, the request still does not meet the requirements under 37 CFR 1.497(d).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is DISMISSED without prejudice.

PETITION UNDER 37 CFR 1.47(a):

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Furthermore, section 409.03(d) of the Manual of Patent Examining Procedure (M P E P) **Proof of Unavailability or Refusal**, the relevant sections states, in part:

REFUSAL TO JOIN:

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers

should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Petitioner has satisfied item (1) of 37 CFR 1.47(a) but not requirements (2) – (4)

Regarding requirement (1), petitioner has provided the petition fee of \$200.00 under 37 CFR 1.17(g) because it has been charged to the Deposit Account No 50-3355

Regarding requirement (2), in this case, it has not been sufficiently demonstrated that a copy of the application papers were mailed (or e-mailed) to the non-signing inventor, David Mordaunt, for his review and signature, and that it was received by him.

Regarding requirement (3), petitioner has not provided a statement of the last known address of the missing inventor.

Regarding requirement (4), petitioner has provided a defective composite executed declaration. See above section under 37 CFR 1.497(d).

Consequently, the current record does not sufficiently establish Mr Mordaunt's refusal to join in the application because no evidentiary documents have been provided to show that a *bona fide* attempt was made to deliver the complete application to him and that he refused to sign the required papers.

CONCLUSION

The petition under 37 CFR 1 47(a) is DISMISSED without prejudice.

For the reasons above, the request under 37 CFR 1.497(d) is DISMISSED without prejudice

If reconsideration of the merits of the petition under 37 CFR 1 47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1 47(a) and Renewed Request under 37 CFR 1 497(d)" Extensions of time are available under 37 CFR 1 136(a). Failure to timely file the proper response will result in ABANDONMENT

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P O Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

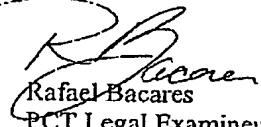

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3267
Facsimile: (571) 273-0459

EXHIBIT A

From: Guy Yonay
Sent: Sunday, 12-February-2006 4:02 PM
To: 'Omer Peled'
Cc: Sharon Braude
Subject: RE: P-5458-US
Confirmed We are preparing the documents.

Guy

From: Omer Peled [mailto:OPeled@lumenis.com]
Sent: Sunday, 12-February-2006 3:58 PM
To: Guy Yonay
Cc: Sharon Braude
Subject: FW: P-5458-US

Please see bellow

Omer Peled
Global IP Director
Mobile 972-54-9599-382
Office 972-4-9599-382

From: Omer Peled
Sent: Thursday, February 09, 2006 4:53 PM
To: 'Guy Yonay'
Cc: Sharon Braude
Subject: RE: P-5458-US

Guy, I just talked with David now and he believes he indeed contributed to this patent. I told him that I am sending him the patent and the declaration now for his review signing. I understood from him that he will sign the assignment. Please send me the documents.
Omer

Omer Peled
Global IP Director
Mobile 972-54-9599-382
Office 972-4-9599-382

From: Guy Yonay [mailto:GuyY@pczlaw.com]
Sent: Sunday, February 05, 2006 11:35 AM
To: Omer Peled
Cc: Sharon Braude
Subject: P-5458-US

Omer,

We are preparing to file the inventor declarations, etc in the above case by February 22, 2006. Please confirm you are sending David Dewey a copy of the application for his review.

Thanks,

Guy

Guy Yonay

US Patent Attorney

PEARL COHEN ZEDEK LATZER

5 Shenkar Street

P O. Box 12704

Herzelia 46733 Israel

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EXHIBIT B

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below under my name.

I believe that I am the original and first sole inventor or an original and first joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**SYSTEM, METHOD, AND APPARATUS TO PROVIDE LASER BEAMS OF
TWO OR MORE WAVELENGTHS**

the Specification of which



is attached hereto
was filed on April 18, 2005
as United States Application Number or PCT International
Application No. 10/531,691
and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified Specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, 1.56.

I hereby claim priority under Title 35, United States Code, §119 of any provisional application filed in the United States in accordance with 35 U.S.C. §119(e), or any application for patent that has been converted to a Provisional Application within one (1) year of its filing date; or any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

PRIOR FILED APPLICATION(S)

<u>APPLICATION NUMBER</u>	<u>COUNTRY</u>	<u>(DAY/MONTH/YEAR FILED)</u>	<u>PRIORITY CLAIMED</u>
PCT/US2003/029132	US	October 16, 2003	YES
60/418,719	US	October 17, 2002	YES

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in any prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56, which occurred

between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION NO.	FILING DATE (DAY/MONTH/YEAR)	STATUS - PATENTED, PENDING, ABANDONED
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I hereby appoint as my attorney(s) and agent(s) Mark S. Cohen (Attorney, Registration No. 42,425) or Caleb Pollack (Attorney, Registration No. 37,912) or Guy Yonay (Attorney, Registration No. 52,388) or Guy Levi (Attorney, Registration No. 55,376) or Naim Shiehur (Agent, Registration No. 56,248) or Rachel Teitelbaum (Agent, Registration No. 56,708) or David A. Loewenstein (Attorney, Registration No. 35,591) or Robert D. Schaffer (Attorney, Registration No. 33,775), said attorney(s) and agent(s) with full power of substitution and revocation to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. These attorneys and agents are associated with Customer Number 49443.

Please address all correspondence regarding this application to:

PEARL COHEN ZEDEK LATZER, LLP
1500 BROADWAY, 12TH FLOOR
NEW YORK, NEW YORK 10036

Customer No. 49443

Direct all telephone calls to (646) 878-0800 and all facsimiles at (646) 878-0801.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF INVENTOR: MORDAUNT, David Haydn

FULL RESIDENCE ADDRESS: 32116 Summit Road, Los Gatos, California 95033, USA

COUNTRY OF CITIZENSHIP: United Kingdom

FULL POST OFFICE ADDRESS: same

SIGNATURE OF INVENTOR _____

DATE _____
(day / month / year)

FULL NAME OF INVENTOR: CHRISTENSEN, Steven Scott

FULL RESIDENCE ADDRESS: 38820 Judie Way, Fremont, CA 94536, USA

COUNTRY OF CITIZENSHIP: USA

FULL POST OFFICE ADDRESS: same

SIGNATURE OF INVENTOR _____

DATE _____
(day / month / year)

FULL NAME OF INVENTOR: FERRO, Alison Albrecht

FULL RESIDENCE ADDRESS: 4714 Valpey Park Ave, Fremont, CA 94538, USA

COUNTRY OF CITIZENSHIP: USA

FULL POST OFFICE ADDRESS: same

SIGNATURE OF INVENTOR _____

DATE _____
(day / month / year)

FULL NAME OF INVENTOR: DEWEY, David A.

FULL RESIDENCE ADDRESS: 750 San Miguel Avenue, Sunnyvale, California 94086, USA

COUNTRY OF CITIZENSHIP: USA

FULL POST OFFICE ADDRESS: same

SIGNATURE OF INVENTOR David A Dewey

DATE 22 FEB 2006
(day / month / year)

EXHIBIT C

Attorney Docket No.: P-5458-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: MORDAUNI, David Haydn et al.

Serial No: 10/531,691 Examiner: Not yet assigned

Filed: April 18, 2005 Group Art Unit: Not yet assigned

Title: SYSTEM, METHOD, AND APPARATUS TO PROVIDE LASER BEAM
OF TWO OR MORE WAVELENGTHS

STATEMENT OF FACTS OF DAVID DEWEY

I, David Dewey, was not listed as a co-inventor of US Provisional Patent Application 60/418,719 and PCT Application No. PCT/US2003/029132. The listed inventors were David Haydn Mordaunt, Steven Scott Christensen and Allison Albrecht Ferro. My name David Dewey, was inadvertently omitted from the list of inventors, without deceptive intent on the part of the undersigned.

Upon entry into the National Phase in the US (serial no. 10/531,691), I signed and submitted an inventor declaration. I hereby request to be added as a named inventor in this application.

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statement may jeopardize the validity of the application of any patent issued thereon.

David Dewey

David Dewey

30 MAY 2006

Date: (day/month/year)

EXHIBIT D

Attorney Docket No.: P-5458-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: MORDAUNT, David Haydn et al.

Serial No: 10/531,691 Examiner: Not yet assigned

Filed: April 18, 2005 Group Art Unit: Not yet assigned

Title: SYSTEM, METHOD, AND APPARATUS TO PROVIDE LASER BEAMS OF TWO OR MORE WAVELENGTHS

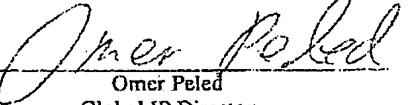
ASSIGNEE CONSENT

I, Omer Peled, am the Global IP Director of Lumenis Inc., which is the assignee of U.S. Patent Application Serial Number 10/531,691, filed April 18, 2005 for SYSTEM, METHOD, AND APPARATUS TO PROVIDE LASER BEAMS OF TWO OR MORE WAVELENGTHS.

In that capacity, I hereby give my consent to the addition of David Dewey as inventor to this application.

Attached please find a Statement under 37 CFR 3.73(b).

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statement may jeopardize the validity of the application of any patent issued thereon



Omer Peled
Global IP Director

23.5.06
Date: (day/month/year)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: MORDAUNT, David Haydn et al

Application No./Patent No.: 10/531,691 Filed/Issue Date: April 18, 2005

Entitled: **SYSTEM, METHOD, AND APPARATUS TO PROVIDE LASER BEAMS OF TWO OR MORE WAVELENGTHS**

Lumenis Inc., a corporation

(Name of Assignee)

(Type of Assignee e.g. corporation, partnership, university, government agency etc.)

States that it is:

1 the assignee of the entire right, title, and interest; or2 an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

A An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel 017703, Frame 0701, or for which a copy thereof is attached

OR

B A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:1 From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached2 From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached3 From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached. Additional documents in the chain of title are listed on a supplemental sheet. Copies of assignments or other documents in the chain of title are attached

(NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8)

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

S.G.O.C.
DateDinner Deled
SignatureDinner Deled
Typed or printed nameIP Manager
Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments or the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

EXHIBIT E

From: Guy Yonay
Sent: Tuesday, 29-November-2005 3:35 PM
To: Sharon Braude
Subject: FW: Declaration and Assignment (P-5458-US)

From: Guy Yonay
Sent: Wednesday, 23-November-2005 7:39 PM
To: 'mordauntbiz@aol.com'
Subject: Declaration and Assignment (P-5458-US)

Dave,

As we discussed, I am attaching the international application on which the US application at issue is based. I am also including a declaration and assignment for your review and signature. If, as we are advised, you are an inventor, please sign and return the documents. Note that the assignment should also be signed by a witness (preferably not a spouse or family member). If you are not an inventor, please let me know so that we may discuss.

I look forward to receiving the signed documents from you by fax or by email. Please feel free to contact me if you have any questions and I will answer them to the best of my ability.

Regards,
Guy.



P-5458-PC-FAPP-16 DECLARATION ASSIGNMENT
-10-03.pdf (1... OCT05.pdf (31 KB) JUN05.pdf (25 KB)

Guy Yonay, Partner
Patent Attorney

PEARL COHEN ZEDEK LATZER LLP
10 Rockefeller Plaza, Suite 1001
New York, New York 10020

Tel: (212) 632-3480
Direct: (212) 632-3496
Fax: (212) 632-3489

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer.

EXHIBIT F

Attorney Docket No.: P-5458-US

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below under my name.

I believe that I am the original and first sole inventor or an original and first joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**SYSTEM, METHOD, AND APPARATUS TO PROVIDE LASER BEAMS OF
TWO OR MORE WAVELENGTHS**

the Specification of which

- is attached hereto
 was filed on April 18, 2005
 as United States Application Number or PCT International Application No. 10/531,691
 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified Specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any provisional application filed in the United States in accordance with 35 U.S.C. §1.119(e), or any application for patent that has been converted to a Provisional Application within one (1) year of its filing date, or any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

PRIOR FILED APPLICATION(S)

<u>APPLICATION NUMBER</u>	<u>COUNTRY</u>	<u>(DAY/MONTH/YEAR FILED)</u>	<u>PRIORITY CLAIMED</u>
PCT/US2003/029132 60/418,719	US	October 16, 2003	YES
	US	October 17, 2002	YES

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in any prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56, which

Attorney Docket No.: P-5458-US

occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>APPLICATION NO.</u>	<u>FILING DATE (DAY/MONTH/YEAR)</u>	<u>STATUS - PATENTED, PENDING, ABANDONED</u>
------------------------	-----------------------------------------	--------------------------------------------------

I hereby appoint as my attorney(s) and agent(s) Mark S. Cohen (Attorney, Registration No. 42,425) or Caleb Pollack (Attorney, Registration No. 37,912) or Guy Yonay (Attorney, Registration No. 52,388) or Guy Levi (Attorney, Registration No. 55,376) or Naim Shichrur (Agent, Registration No. 56,248) or Yuanmin Cai (Agent, Registration No. 56,513) or Rachel Teitelbaum (Agent, Registration No. 56,708) or David A. Loewenstein (Attorney, Registration No. 35,591), said attorney(s) and agent(s) with full power of substitution and revocation to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. These attorneys and agents are associated with Customer Number 49443.

Please address all correspondence regarding this application to:

PEARL COHEN ZEDEK LATZER, LLP
10 ROCKEFELLER PLAZA
SUITE 1001
NEW YORK, NY 10020

Direct all telephone calls to (212) 632-3480 and all facsimiles at (212) 632-3490.
Customer No. 49443

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF INVENTOR: MORDAUNT, David Haydn

FULL RESIDENCE ADDRESS: 32116 Summit Road, Los Gatos, California 95033, USA

COUNTRY OF CITIZENSHIP: British

FULL POST OFFICE ADDRESS: same

SIGNATURE OF INVENTOR

DATE 22/12/05
(day / month / year)

12-22-05

23:14

From-OptiMedica Corporation

4082609736

T-130 P.003/003 F-948

Attorney Docket No.: P-5458-US

FULL NAME OF INVENTOR: CHRISTENSEN, Steven Scott

FULL RESIDENCE ADDRESS: 38820 Judie Way, Fremont, CA 94536, USA

COUNTRY OF CITIZENSHIP: USA

FULL POST OFFICE ADDRESS: same

SIGNATURE OF INVENTOR _____

DATE _____
(day / month / year)

FULL NAME OF INVENTOR: FERRO, Alison Albrecht

FULL RESIDENCE ADDRESS: 4714 Valpey Park Ave, Fremont, CA 94538, USA

COUNTRY OF CITIZENSHIP: USA

FULL POST OFFICE ADDRESS: same

SIGNATURE OF INVENTOR _____

DATE _____
(day / month / year)

EXHIBIT G

Sharon Braude

From: Sharon Braude
Sent: Wednesday, 15-February-2006 4 59 PM
To: 'Mordauntbiz@aol.com'
Cc: Guy Yonay
Subject: URGENT - Our Ref: P-5458-US
Importance: High

Dear Mr. Mordaunt,

Please see the attached correspondence.

Regards,

Sharon

Best regards,

Sharon Braude
Assistant to Zeev Pearl & Guy Yonay

Pearl Cohen Zedek Latzer
5 Shenkar Street
P O Box 12704
Herzelia 46733, Israel
Tel: +972-9-972-8000
Direct Tel: +972-9-972-8047
Fax: +972-9-972-8001
E-mail: Sharonbr@pczlaw.com

The information transmitted is intended only for the person or entity to which it is addressed and contains confidential and/or privileged material. Any review, retransmission, dissemination or other use of or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error please contact the sender and delete the material from any computer.

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10 Rockefeller Plaza
Suite 1001
New York, NY 10020
USA
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Nachman Cohen-Zedek**
Zeev Pearl*
Mark S. Cohen**
Doron Latzer**
Dekel Shiloh**
Guy Yonay**
Joel M. Stein*
Kalla Klein
Daniel Bustanai
Joel Vidal*
Hila Laufer-Nir
Dor Cohen-Zedek
Yosi Barkai*
Hilla Blum*
Oded Mayblum
Oded Kadosh**
Netta Nashilevich
Nelama Bouzaglo
Dori Eyal
Idan Frydman
Sagit Saenger
Yossi Markovich

Senior Counsel (not admitted in Israel)
David A. Loewenstein**
Celeb Pollack**

Admitted in Other Jurisdictions
Nathaniel B. Buchek*
Guy Levi, PhD*
Mondeca Goldstein*

Patent Attorneys/Agents
Naomi Liver, M.Sc.
Irit Gordon, Ph.D.
Naim Shishur, B.Sc.
Rachel Teitelbaum, Ph.D.*

Scientific Advisors
Marc Trizel, Ph.D
Tamar van der Boom, Ph.D
Dror Shitlan, Ph.D
Michal Moav, B.Sc. EE
Yefet Schindler, Ph.D
Assaf Geyra, Ph.D
Allen Richter, M.Sc.
Michal Shomron, B.Sc.

Trademark Specialist
Anat Haneniza, LL.B

* admitted in New York
** also admitted in other jurisdictions
** Israeli patent attorney
* admitted to the USPTO
Shlomo Cohen-Zedek (1905-1997)

February 15, 2006

Direct Dial: 972-9-972-8008
Direct E-mail: Guy.Yonay@pczlaw.com

Via E-Mail

E-mail: mordauntbiz@aol.com

David Haydn Mordaunt
32116 Summit Road
Los Gatos, CA 95033

RE: US Patent Application
National Phase of PCT/US03/29132
SYSTEM, METHOD, AND APPARATUS TO PROVIDE LASER BEAMS OF TWO OR MORE WAVELENGTHS
Inventor(s): MORDAUNT, David Haydn et al
Assignee(s): Lumenis Inc
US Serial No.: 10/531,691
US Filing Date: 18-Apr-2005
Your reference: Please advise
Our reference: P-5458-US (183250)

Dear David:

Thank you for returning to us the signed inventor Declaration in the above-referenced patent application. Pursuant to Allison's suggestion, however, we are adding David A. Dewey as a named inventor. Therefore, according to the law, we are required to submit a revised Declaration naming all four inventors

In addition, we have not received a signed Assignment of the invention to Lumenis. Therefore, I am enclosing an Assignment for your signature. Please sign and date the Assignment in blue ink and have a witness sign and date the Assignment and write his/her name and address in the space provided.

Kindly sign and return the enclosed revised Declaration and Assignment documents to us by fax or scan/email to the above contact information

Please note that the USPTO has given us until February 22, 2006 to submit these papers. We apologize for the inconvenience; however, we will appreciate receiving the signed documents by Monday, February 20, 2006. Please feel free to contact me with any questions at (212) 632-3496

Thank you in advance.

Yours sincerely,

Guy Yonay
Pearl Cohen Zedek Latzer

CC: Zeev Pearl
P:\P-5400\5458\US\drafts\Ltr_Mordaunt FEB06.doc (shb)

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below under my name

I believe that I am the original and first sole inventor or an original and first joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**SYSTEM, METHOD, AND APPARATUS TO PROVIDE LASER BEAMS OF
TWO OR MORE WAVELENGTHS**

the Specification of which

- is attached hereto
 was filed on April 18, 2005
as United States Application Number or PCT International Application No. 10/531,691
and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified Specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, 1.56.

I hereby claim priority under Title 35, United States Code, §119 of any provisional application filed in the United States in accordance with 35 U.S.C. §119(e), or any application for patent that has been converted to a Provisional Application within one (1) year of its filing date, or any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

PRIOR FILED APPLICATION(S)

<u>APPLICATION NUMBER</u>	<u>COUNTRY</u>	<u>(DAY/MONTH/YEAR FILED)</u>	<u>PRIORITY CLAIMED</u>
PCT/US2003/029132	US	October 16, 2003	YES
60/418,719	US	October 17, 2002	YES

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between the filing date of the prior application and the national or PCT international filing date of this application:

<u>APPLICATION NO.</u>	<u>FILING DATE (DAY/MONTH/YEAR)</u>	<u>STATUS - PATENTED, PENDING, ABANDONED</u>
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I hereby appoint as my attorney(s) and agent(s) Mark S. Cohen (Attorney, Registration No. 42,425) or Caleb Pollack (Attorney, Registration No. 37,912) or Guy Yonay (Attorney, Registration No. 52,388) or Guy Levi (Attorney, Registration No. 55,376) or Naim Shichrur (Agent, Registration No. 56,248) or Rachel Teitelbaum (Agent, Registration No. 56,708) or David A. Loewenstein (Attorney, Registration No. 35,591) or Robert D. Schaffer (Attorney, Registration No. 33,775), said attorney(s) and agent(s) with full power of substitution and revocation to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. These attorneys and agents are associated with Customer Number 49443.

Please address all correspondence regarding this application to:

PEARL COHEN ZEDEK LATZER, LLP
1500 BROADWAY, 12TH FLOOR
NEW YORK, NEW YORK 10036

Customer No. 49443

Direct all telephone calls to (646) 878-0800 and all facsimiles at (646) 878-0801.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon

FULL NAME OF INVENTOR: MORDAUNT, David Haydn

FULL RESIDENCE ADDRESS: 32116 Summit Road, Los Gatos, California 95033, USA

COUNTRY OF CITIZENSHIP: United Kingdom

FULL POST OFFICE ADDRESS: same

SIGNATURE OF INVENTOR _____

DATE _____
(day / month / year)

EXHIBIT H

PEARL COHEN ZEDEK LATZER

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Fax +972 9 972 8001

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Fax 646 878 0801

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October 12, 2006

Direct Dial: 646-878-0808
Direct E-mail: Guy.Yonay@pcclaw.com

Via E-Mail

E-mail: mordauntbiz@aol.com

Nachman Cohen-Zedek**
Zeev Pearl*
Mark S. Cohen**
Doron Latzer**
Guy Yonay**
Joel M. Stein*
Kalia Klein
Daniel Bustanai
Dor Cohen-Zedek
Yosi Barkai*
Hil Blum*
Ohad Mayblum
Oded Kadosh**
Nella Nashilevich
Dov Glad Cohen
Idan Frydman
Sagit Saggar
Yossi Markovich
Inbal Perlstein
Abishag Levy

Senior Counsel (not admitted in Israel)
David A. Loewenstein**
Caleb Pollack**
Robert Schaffer**
Francine Almandary*
Admitted in Other Jurisdictions
Nathaniel B. Buchek*
Guy Levi, Ph.D. **
Danielle Gordon*
Clyde Shuman*
Arnie Frishman*
Patent Attorneys/Agents
Naomi Liver, M.Sc.*
Itt Gordon, Ph.D. *
Rachel Telibaum, Ph.D. *
Marc Tritel Ph.D. *
Michael A. Yamin, Ph.D. *
Tamar van der Boom, Ph.D. *

Scientific Advisors
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Michal Moav, B.Sc. EE
Yaffa Schindler, Ph.D.
Assaf Geyra, Ph.D.
Yannira Edan, B.Sc.
Tami Ben Ari, B.Sc.
Na'ama Gordon, M.Sc.
Daniela Heimlich, B.Sc.
Larry Haussman, M.Eng.

Trademark Specialist
Anal Hanania, LL.B.

* admitted in New York
** also admitted in other jurisdictions
* Israeli patent attorney
** admitted to the USPTO
Silvana Cohen-Zedek / 100K-10071

David Haydn Mordaunt
32116 Summit Road
Los Gatos, CA 95033

RE: US Patent Application
National Phase of PCT/US03/29132
SYSTEM, METHOD, AND APPARATUS TO PROVIDE LASER
BEAMS OF TWO OR MORE WAVELENGTHS
Inventor(s): MORDAUNT, David Haydn et al.
Assignee(s): Lumenis Inc
US Serial No.: 10/531,691
US Filing Date: 18-Apr-2005
Your reference: Please advise
Our reference: P-5458-US (183250)

Dear David:

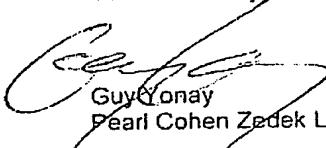
Thank you for returning to us the signed inventor Declaration in the above-referenced patent application dated December 22, 2005. Since then, however, we have added David A. Dewey as an inventor. Therefore, according to the law, we are required to submit a revised Declaration naming all four inventors.

Kindly sign and return the enclosed revised Declaration document to us by fax or scan/email to the above contact information.

Please note that the USPTO has given us until December 2, 2006 to submit these papers. We apologize for the inconvenience; however, we will appreciate receiving the signed documents as soon as possible. Please feel free to contact me with any questions at (646) 878-0808.

Thank you in advance.

Yours sincerely,


Guy Yonay
Pearl Cohen Zedek Latzer

CC: Zeev Pearl
P:\P-5400\5458\US\drafts\Ltr_Mordaunt OCT06 doc (shb)

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below under my name.

I believe that I am the original and first sole inventor or an original and first joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**SYSTEM, METHOD, AND APPARATUS TO PROVIDE LASER BEAMS OF
TWO OR MORE WAVELENGTHS**

the Specification of which

- is attached hereto
 was filed on April 18, 2005
as United States Application Number or PCT International
Application No. 10/531,691
and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified Specification, including the claims, as amended by any amendment referred to above.

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PRIOR FILED APPLICATION(S)

<u>APPLICATION NUMBER</u>	<u>COUNTRY</u>	<u>(DAY/MONTH/YEAR FILED)</u>	<u>PRIORITY CLAIMED</u>
PCT/US2003/029132 60/418,719	US	October 16, 2003 October 17, 2002	YES YES

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in any prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56, which occurred

between the filing date of the prior application and the national or PCT international filing date of this application:

<u>APPLICATION NO.</u>	<u>FILING DATE (DAY/MONTH/YEAR)</u>	<u>STATUS - PATENTED, PENDING, ABANDONED</u>
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I hereby appoint as my attorney(s) and agent(s) Mark S. Cohen (Attorney, Registration No. 42,425) or Caleb Pollack (Attorney, Registration No. 37,912) or Guy Yonay (Attorney, Registration No. 52,388) or Guy Levi (Attorney, Registration No. 55,376) or Naim Shichrur (Agent, Registration No. 56,248) or Rachel Teitelbaum (Agent, Registration No. 56,708) or David A. Loewenstein (Attorney, Registration No. 35,591) or Robert D. Schaffer (Attorney, Registration No. 33,775), said attorney(s) and agent(s) with full power of substitution and revocation to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. These attorneys and agents are associated with Customer Number 49443.

Please address all correspondence regarding this application to:

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NEW YORK, NEW YORK 10036

Customer No. 49443

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF INVENTOR: MORDAUNT, David Haydn

FULL RESIDENCE ADDRESS: 32116 Summit Road, Los Gatos, California 95033, USA

COUNTRY OF CITIZENSHIP: United Kingdom

FULL POST OFFICE ADDRESS: same

SIGNATURE OF INVENTOR 

DATE: _____

(day / month / year)

FULL NAME OF INVENTOR: **CHRISTENSEN, Steven Scott**

FULL RESIDENCE ADDRESS: **38820 Judie Way, Fremont, CA 94536, USA**

COUNTRY OF CITIZENSHIP: **USA**

FULL POST OFFICE ADDRESS: **same**

SIGNATURE OF INVENTOR _____

DATE _____
(day / month / year)

FULL NAME OF INVENTOR: **FERRO, Allison Albrecht**

FULL RESIDENCE ADDRESS: **4714 Valpey Park Ave, Fremont, CA 94538, USA**

COUNTRY OF CITIZENSHIP: **USA**

FULL POST OFFICE ADDRESS: **same**

SIGNATURE OF INVENTOR _____

DATE _____
(day / month / year)

FULL NAME OF INVENTOR: **DEWEY, David A.**

FULL RESIDENCE ADDRESS: **750 San Miguel Avenue, Sunnyvale, California 94086, USA**

COUNTRY OF CITIZENSHIP: **USA**

FULL POST OFFICE ADDRESS: **same**

SIGNATURE OF INVENTOR _____

DATE _____
(day / month / year)

EXHIBIT I

FROM :

FAX NO. : 5107947979

Feb. 22 2006 07:47PM P1

Attorney Docket No.: P-5458-US

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below under my name.

I believe that I am the original and first sole inventor or an original and first joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**SYSTEM, METHOD, AND APPARATUS TO PROVIDE LASER BEAMS OF
TWO OR MORE WAVELENGTHS**

the Specification of which

- is attached hereto
 was filed on April 18, 2005
as United States Application Number or PCT International
Application No. 10/531,691
and was amended on _____ (if applicable).

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PRIOR FILED APPLICATION(S)

<u>APPLICATION NUMBER</u>	<u>COUNTRY</u>	<u>(DAY/MONTH/YEAR FILED)</u>	<u>PRIORITY CLAIMED</u>
PCT/US2003/029132 60/418,719	US	October 16, 2003 October 17, 2002	YES YES

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in any prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56, which occurred

FROM :

FAX NO. :5107947979

Feb. 22 2006 07:48PM P2

Attorney Docket No.: P-5458-US

between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION NO.	FILING DATE (DAY/MONTH/YEAR)	STATUS - PATENTED, PENDING, ABANDONED
-----------------	---------------------------------	------------------------------------------

I hereby appoint as my attorney(s) and agent(s) Mark S. Cohen (Attorney, Registration No. 42,425) or Caleb Pollack (Attorney, Registration No. 37,912) or Guy Yonay (Attorney, Registration No. 52,388) or Guy Levi (Attorney, Registration No. 55,376) or Naim Shichrur (Agent, Registration No. 56,248) or Rachel Teitelbaum (Agent, Registration No. 56,708) or David A. Loewenstein (Attorney, Registration No. 35,591) or Robert D. Schaffer (Attorney, Registration No. 33,775), said attorney(s) and agent(s) with full power of substitution and revocation to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. These attorneys and agents are associated with Customer Number 49443.

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Customer No. 49443

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon:

FULL NAME OF INVENTOR: MORDAUNT, David Haydn

FULL RESIDENCE ADDRESS: 32116 Summit Road, Los Gatos, California 95033, USA

COUNTRY OF CITIZENSHIP: United Kingdom

FULL POST OFFICE ADDRESS: same

SIGNATURE OF INVENTOR _____

DATE _____
(day / month / year)

FROM :

FAX NO. : 5107947979

Feb. 22 2006 07:49PM P3

Attorney Docket No.: P-5458-US

FULL NAME OF INVENTOR: CHRISTENSEN, Steven Scott

FULL RESIDENCE ADDRESS: 38820 Judie Way, Fremont, CA 94536, USA

COUNTRY OF CITIZENSHIP: USA

FULL POST OFFICE ADDRESS: same

SIGNATURE OF INVENTOR 

DATE 2/22/06

(day / month / year)

FULL NAME OF INVENTOR: FERRO, Allison Albrecht

FULL RESIDENCE ADDRESS: 4714 Valpey Park Ave, Fremont, CA 94538, USA

COUNTRY OF CITIZENSHIP: USA

FULL POST OFFICE ADDRESS: same

SIGNATURE OF INVENTOR 

DATE

(day / month / year)

FULL NAME OF INVENTOR: DEWEY, David A.

FULL RESIDENCE ADDRESS: 750 San Miguel Avenue, Sunnyvale, California 94086, USA

COUNTRY OF CITIZENSHIP: USA

FULL POST OFFICE ADDRESS: same

SIGNATURE OF INVENTOR 

DATE

(day / month / year)

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below under my name.

I believe that I am the original and first sole inventor or an original and first joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**SYSTEM, METHOD, AND APPARATUS TO PROVIDE LASER BEAMS OF
TWO OR MORE WAVELENGTHS**

the Specification of which

- is attached hereto
 was filed on April 18, 2005
as United States Application Number or PCT International
Application No. 10/531,691
and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified Specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, 1.56.

I hereby claim priority under Title 35, United States Code, §119 of any provisional application filed in the United States in accordance with 35 U.S.C. §119(e), or any application for patent that has been converted to a Provisional Application within one (1) year of its filing date, or any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

PRIOR FILED APPLICATION(S)

<u>APPLICATION NUMBER</u>	<u>COUNTRY</u>	<u>(DAY/MONTH/YEAR FILED)</u>	<u>PRIORITY CLAIMED</u>
PCT/US2003/029132	US	October 16, 2003	YES
60/418,719	US	October 17, 2002	YES

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in any prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56, which occurred

between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION NO.	FILING DATE (DAY/MONTH/YEAR)	STATUS - PATENTED, PENDING, ABANDONED
-----------------	---------------------------------	------------------------------------------

I hereby appoint as my attorney(s) and agent(s) Mark S. Cohen (Attorney, Registration No. 42,425) or Caleb Pollack (Attorney, Registration No. 37,912) or Guy Yonay (Attorney, Registration No. 52,388) or Guy Levi (Attorney, Registration No. 55,376) or Naim Shichrui (Agent, Registration No. 56,248) or Rachel Teitelbaum (Agent, Registration No. 56,708) or David A. Loewenstein (Attorney, Registration No. 35,591) or Robert D. Schaffer (Attorney, Registration No. 33,775), said attorney(s) and agent(s) with full power of substitution and revocation to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. These attorneys and agents are associated with Customer Number 49443.

Please address all correspondence regarding this application to:

PEARL COHEN ZEDEK LATZER, LLP
1500 BROADWAY, 12TH FLOOR
NEW YORK, NEW YORK 10036

Customer No. 49443

Direct all telephone calls to (646) 878-0800 and all facsimiles at (646) 878-0801.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF INVENTOR: MORDAUNT, David Haydn

FULL RESIDENCE ADDRESS: 32116 Summit Road, Los Gatos, California 95033, USA

COUNTRY OF CITIZENSHIP: United Kingdom

FULL POST OFFICE ADDRESS: same

SIGNATURE OF INVENTOR _____

DATE _____
(day / month / year)

FULL NAME OF INVENTOR: CHRISTENSEN, Steven Scott

FULL RESIDENCE ADDRESS: 58820 Judge Way, Fremont, CA 94536, USA

COUNTRY OF CITIZENSHIP: USA

FULL POST OFFICE ADDRESS: same

SIGNATURE OF INVENTOR _____

DATE _____
(day / month / year)

FULL NAME OF INVENTOR: FERRO, Allison Albrecht

FULL RESIDENCE ADDRESS: 4714 Valpey Park Ave, Fremont, CA 94558, USA

COUNTRY OF CITIZENSHIP: USA

FULL POST OFFICE ADDRESS: same

SIGNATURE OF INVENTOR Allison A. Ferro

DATE 21 / 2 / 06
(day / month / year)

FULL NAME OF INVENTOR: DEWEY, David A.

FULL RESIDENCE ADDRESS: 750 San Miguel Avenue, Sunnyvale, California 94086, USA

COUNTRY OF CITIZENSHIP: USA

FULL POST OFFICE ADDRESS: same

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FULL POST OFFICE ADDRESS: same

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DATE _____
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FULL NAME OF INVENTOR: FERRO, Allison Albrecht

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FULL POST OFFICE ADDRESS: same

SIGNATURE OF INVENTOR _____

DATE _____
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FULL NAME OF INVENTOR: DEWEY, David A.

FULL RESIDENCE ADDRESS: 750 San Miguel Avenue, Sunnyvale, California 94086, USA

COUNTRY OF CITIZENSHIP: USA

FULL POST OFFICE ADDRESS: same

SIGNATURE OF INVENTOR David A. Dewey

DATE 22 FEB 2006
(day / month / year)